Minute Order Fo:.. 197)

United States District Court, Northern District of Illinois

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Name of Assigned Judge or Magistrate Judge Milton			n I. Shadur	Sitting Judge if Other than Assigned Judge							
CASE NUMBER 03 C		C 6287	DATE	9/24/	/2003						
CASE TITLE		Dire	Directv, Inc. vs. Peter Blahuta, et al								
мо	TION:	[In the following box of the motion being		ng the motion, e.g., plaintiff, defe	endant, 3rd party plaintiff, and	d (b) state briefly the nature					
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(3)	□ An	swer brief to motion o	lue Reply t	o answer brief due							
(4)	□ Ru	ling/Hearing on	set for at	<u> </u>							
(5)	□ Sta	tus hearing[held/cont	inued to] [set for/re-	set for] on set for	at						
(6)	□ Pre	Pretrial conference[held/continued to] [set for/re-set for] on set for at									
(7)	□ Tri	Trial[set for/re-set for] on at									
(8)	□ [Be	[Bench/Jury trial] [Hearing] held/continued toat									
(9)	.☐ Thi	This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to] \$\sumset\$ FRCP4(m) \$\sumset\$ Local Rule 41.1 \$\sumset\$ FRCP41(a)(1) \$\sumset\$ FRCP41(a)(2).									
(10)	dismisses	his action for misj	oinder, albeit obv	ndum Order. This Co viously without prejude each of the three defe	ice to DirectTv's rig	tht to proceed with					
(11)			der attached to the o	original minute order.]	F	separate project data to the					
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IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

DIRECTV,	INC.,	Plaintiff,)))			
v.)	No.	03 C	6287
PETER BLA	AHUTA,	et al.,)			
		Defendants.)			
		<u>MEMORANI</u>	OUM ORDER	<u> </u>		SEP 2 5 6303

This Court has recently learned that although our District Court's random assignment system has delivered only this action brought by DirecTV, Inc. ("DirecTV") to its calendar, DirecTV is plaintiff in some 80 or so other cases that have landed on the calendars of various of its colleagues via like random assignments. More importantly, this Court has learned of opinions issued by its colleagues Honorable Ruben Castillo and Honorable Suzanne Conlon identifying problems that are posed by this case as well.

On June 3, 2003 Judge Castillo entered short memorandum orders in Case Nos. 03 C 3459, 03 C 3463 and 03 C 3499, and on September 18 Judge Conlon issued an order and opinion in Case No. 03 C 3540, each of them determining that the joinder of multiple unrelated defendants (as DirecTV has also done here) is improper. Judge Conlon's opinion also points out that by engaging in that practice, DirecTV has "managed to avoid paying approximately \$61,500 in filing fees" that would have been payable if each



defendant had been named in a separate lawsuit.

This Court agrees with its colleagues. It too dismisses this action for misjoinder, albeit obviously without prejudice to DirecTV's right to proceed with a new separate one-defendant action against each of the three defendants named here.

One word of caution: This District Court's LR 40.3(b)(2) provides that when any action is dismissed and when a second action is filed involving the same parties and relating to the same subject matter, the second case is to be assigned not at random but to the judge who had the original case on his or her calendar. If and when DirecTV does refile such separate actions against the present defendants, only one of those cases (which DirecTV may select) will qualify for such automatic reassignment to this Court's calendar. Each of the other cases will be subject to random assignment.

Milton I. Shadur

Senior United States District Judge

Date: September 24, 2003